

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

JENNIFER MAREK, ISABELLE DWIGHT,  
DARREN WILLIAMS, JENNIFER  
GANNON, EVVIE EYZAGUIRRE, BRANDI  
FIKE, LANCE WALDRON, JESSICA  
TEMPEST, and VIVIAN NOGUERAS, as  
individuals, on behalf of themselves, the  
general public and those similarly situated,

Plaintiffs,

v.

MOLSON COORS BEVERAGE  
COMPANY USA LLC,

Defendant.

Case No. 3:21-cv-07174-WHO

**DECLARATION OF STEVEN  
WEISBROT OF ANGEION GROUP, LLC  
RE: UPDATE ON CLAIM FORM  
SUBMISSIONS, ESTIMATED COST OF  
ADMINISTRATION, AND ESTIMATED  
AVERAGE RECOVERY**

1 I, Steven Weisbrot, Esq., declare under penalty of perjury as follows:

2 1. I am the President and Chief Executive Officer at the class action notice and claims  
3 administration firm Angeion Group, LLC (“Angeion”). Angeion specializes in designing, developing,  
4 analyzing and implementing large-scale, unbiased, legal notification plans.

5 2. I have personal knowledge of the matters stated herein. In forming my opinions  
6 regarding notice in this action, I have drawn from my extensive class action experience.

7 3. The purpose of this declaration is to provide the Parties and the Court with updated  
8 results of the work performed by Angeion pursuant to the *Class Action Settlement Agreement* and  
9 this Court’s *Order Preliminarily Approving Class Action Settlement [As Modified]* (“Preliminary  
10 Approval Order”) (Dkt. No. 66), including an updated claim report, estimated award amounts, and  
11 administration costs.

12 **CLAIM FILING RATE**

13 4. In my prior declaration describing the notice plan for this administration (Dkt. No. 58-  
14 1), Angeion estimated an approximate 5% claims rate based on the results from prior comparable  
15 settlements. The 5% estimate was based on the size of the Target Audience, which served as a proxy  
16 audience for the Settlement Class, whose exact class size is not known. In total, Angeion received  
17 2,511,705 claim form submissions, as reported in my subsequent declaration re: the implementation  
18 of the notice plan (Dkt. No. 70-1).

19 5. After performing audits to identify ineligible, duplicative and/or fraudulent claim form  
20 submissions, Angeion identified 587,530 valid claims (an approximate 29.7% claims rate based on  
21 the Target Audience size).

22 6. Here, the higher claim submission rate is indicative of the success of the  
23 comprehensive Notice Plan and claims stimulation efforts. As discussed in my prior declarations, the  
24 robust Notice Plan consisted of online digital and social media advertisements (delivering nearly 5.9  
25 million impressions), a paid Google search campaign, publication in People magazine (with a  
26 circulation of 3.4 million corresponding to 25.1 million readers), as well as insertions in the California  
27 regional edition of USA Today, a national press release, a dedicated Settlement Website and toll-free  
28

1 telephone support. The national press release was picked up by over 900 media outlets, with a  
2 combined audience size of approximately 152.4 million. In addition to these notice efforts, Angeion  
3 implemented a custom and strategic claims stimulation program comprised of sponsored listings on  
4 two leading class action settlement websites (approximately 1 million subscribers between these two  
5 sites), postings by a social media influencer (which garnered over 1.98 million views), and active  
6 listening on Facebook, Instagram, and Twitter.

7 7. It should be noted that Angeion's thorough and comprehensive review of claims  
8 identified over 1.9 million ineligible claim submissions, thus maintaining the integrity of the  
9 Settlement Fund by ensuring only eligible class members are identified to receive Cash Payments.

#### 10 **CLAIM FORM SUBMISSIONS**

11 8. The deadline for Class Members to submit a Claim Form was June 6, 2023. As of  
12 July 10, 2023, Angeion has identified 587,530 valid claims.

13 9. Of the 587,530 valid claims, 4,099 were submitted with Proof of Purchase. These  
14 claims are preliminarily valued at \$120,957.53.

15 10. The remaining 583,431 valid claims were submitted without Proof of Purchase.  
16 Among those 583,431 claims that were submitted without proof of purchase, 737,348 24-pack Units  
17 of the Product were claimed, 1,053,054 12-Pack Units of the Product were claimed, and 1,871,108  
18 Single Can Units of the Product were claimed. The minimum of \$6.00 per household was applied to  
19 8,596 claims and the maximum of \$15.00 per Household was applied to 390,284 claims. In total, the  
20 583,431 claims submitted without Proof of Purchase are preliminarily valued at \$5,717,341.99.

21 11. Of the 583,431 claims submitted without proof of purchase, 389,199 individuals  
22 claimed the maximum Cash Payment of \$15.00.

23 12. Angeion currently estimates that the total estimated value of claims to be paid will  
24 equal the Net Settlement Fund of \$5,840,556.24.

25 13. These claim form submissions and award calculations are still subject to final audits.

#### 26 **ADMINISTRATIVE COSTS AND AVERAGE RECOVERY**

27 14. Notice and administration costs incurred through June are approximately  
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1 \$656,749.10. Of this amount, \$356,694.85 is attributable to costs associated with processing online  
 2 claims filing. Angeion identified savings in this area and applied discounted claims filing rates.  
 3 Angeion estimates it will incur an additional \$398,989.12 in administration costs through completion  
 4 of the administration.

5 15. Notice and administration costs exceeded the original estimates due to the increased  
 6 volume of claims submitted. This includes the work associated with validating these claims,  
 7 identifying ineligible claims, reviewing supporting documentation, and activities related to the  
 8 distribution to valid claims.

9 16. Per the terms of the Settlement Agreement, the Settlement Fund means a total  
 10 payment by Defendants in the amount of \$9,500,000.00. Assuming the Court grants the Attorneys'  
 11 Fees and Costs in the amount of \$2,566,785.54, the Incentive Awards to the Class Representatives  
 12 totaling \$35,000.00, and the estimated costs of notice and administration in the amount of  
 13 \$1,055,732.22, the estimated Net Settlement Funds amount to \$5,840,556.24.

14 17. Based on the estimated Net Settlement Fund, Angeion currently estimates the average  
 15 recovery per valid claim to be \$9.94<sup>1</sup>.

16  
 17 I hereby declare under penalty of perjury that the foregoing is true and correct.

18 Dated: July 11, 2023

19   
 20 STEVEN WEISBROT, ESQ

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 26  
 27 <sup>1</sup> This amount is an estimate. As referenced in paragraph 13, the claim form submissions are still  
 28 subject to final audits. The final average recovery per valid claim will be determined when both the  
 number of valid claim form submissions and the Net Settlement Fund are finalized.